

IN RE: PETITION FOR ZONING VARIANCE
S/S Tree Farm Court, 1226' NW of Deer Bit Lane
(17 Tree Farm Court)
11th Election District
6th Councilmanic District
Thomas J. Lynch, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 88-373-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit the height of a proposed accessory structure/building (two-story garage with basement) to be 23 feet in lieu of the maximum permitted height of 15 feet, as more particularly described in Petitioner's Exhibit 1.

The Petitioners by Thomas Lynch, appeared and testified. Also appearing on behalf of the Petition was Robert T. Hofmann, an Architect. The following persons appeared and testified as Protestants: George W. and Karen Rupprecht, Kathy Power, Arlese Ohara, and Carolyn G. Tunney.

Testimony indicated that the subject property, known as 17 Tree Farm Court, consists of just under 2 acres, is zoned R.C. 4, and is currently improved with a two-story dwelling with an attached three-car garage. Mr. Lynch testified that he proposes to build an accessory structure to be used as a garage for the storage of antique cars he collects as a hobby and currently stores offsite. Mr. Lynch testified that while the structure could be built in strict compliance with the zoning regulations and meet his needs, the resulting design would not be in keeping with the character and architecture of his existing home and the surrounding neighborhood. He testified that the exterior brick and siding of the proposed new structure would match his existing residence. He testified he could not move the garage further away from the neighboring dwellings as they

they would like due to the topography of his property and the location of the septic system.

Robert T. Hofmann, an architect with Robert T. Hofmann and Associates, Inc., testified that the height variance requested was necessary to construct a structure in conformance with the existing dwelling and for residential character.

The Protestants testified they were opposed to the proposed accessory structure due to its size. They further expressed concern of the use of the building in the future for residential purposes or other similarly massive buildings being constructed in their neighborhood.

At the close of the hearing, all parties agreed they would like the opportunity to meet and discuss the subject request to see if an agreement could be reached. The Protestants were not in favor of having the requested variance denied and the Petitioners constructing a building which would meet the requirements but would be architecturally more of an eyesore in the community than the structure the Petitioners proposed. By letter dated March 30, 1988 from George Rupprecht to the Deputy Zoning Commissioner, the Protestants advised that they would agree to Mr. Lynch's proposed plans provided that prior to construction, the property is professionally landscaped with a sufficient number of white pine trees at least 15 feet tall to provide screening of the proposed structure from the adjacent property owner.

The Petitioners seek relief from Section 400.3, pursuant to Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.).

Section 400.3 of the B.C.Z.R. states that the height of an accessory building shall not exceed 15 feet. Although the size and dimensions of the proposed building are quite large, 40' x 28', it meets the require-

ments of Section 400.1; to wit, the proposed building is located in the rear yard, does not occupy more than 40% of the rear yard, and is more than 2 1/2 feet from any side or rear lot lines.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973).

The Petitioner's testimony was that the height variance was principally for aesthetic purposes to insure conformance with his existing home and the neighborhood and that practical difficulty or hardship would be suffered by he and the surrounding community if the variance was not granted.

In order to insure that the building remains an accessory structure and/or accessory use as defined in Section 100, the proposed building shall be either one story with a basement, or two story with no basement. There was no testimony as to the need for the additional space other than for storage of Petitioner's antique vehicles which he collects as a hobby. Said vehicles cannot be stored in the basement or on the second level. In the opinion of the Deputy Zoning Commissioner, a two-story building with a basement level used as a garage is not customarily incidental to and/or on the same lot as a dwelling which already has a three-car garage attached.

It is clear from the testimony that if the variance was granted as hereinafter restricted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty would result if the variance was

not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 8th day of June, 1988 that the Petition for Zoning Variance to permit the height of a proposed accessory structure/building to be 23 feet in lieu of the maximum permitted height of 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit or apartment. There shall be no living or sleeping quarters and no kitchen and/or bathroom facilities.
- 3) Prior to the issuance of any building permits, the Petitioner shall submit to the Office of Current Planning a landscaping proposal for screening the proposed accessory structure with white pines at least 15 feet tall and of a quantity deemed appropriate to adequately screen the structure from the adjoining property owner's land. The landscaping shall be completed prior to the issuance of any permits unless it is determined by the Office of Current Planning that

- 4 -

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a variance from Section 400.3 to permit a height of 23' in lieu of the allowed 15' for an accessory structure.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) in order to satisfy the zoning regulations in relation to location of accessory structures the proposed structure will be situated to the rear of the existing dwelling and at the terminus of the existing driveway. The petitioner proposes to store his antique cars in the basement and first floor and use the second floor for storage, therefore the variance is requested for other reasons to be discussed at the scheduled hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Tom J. Lynch Sr.
Signature	(Type or Print Name)
Address	Barbara J. Lynch
City and State	(Type or Print Name)
Signature	Barbara J. Lynch
Attorney for Petitioner:	Signature
(Type or Print Name)	828 Providence Road
Signature	Address
Address	Towson, MD 21204
City and State	City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Nicholas B. Commodari	Nicholas B. Commodari
Name	Name
3607 Bonview Avenue 21213 825-8400	3607 Bonview Avenue 21213 825-8400
Address	Address
Phone No.	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of June, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 19th day of June, 1988, at 10:00 o'clock A.M.

J. Robert Hines
Zoning Commissioner of Baltimore County.

(over)

landscaping the property prior to construction of the proposed accessory structure would be detrimental to the life of the plants. If such is the case, the landscaping shall be completed in the time guidelines as directed by the Office of Current Planning.

4) The Petitioner shall submit a copy of the landscaping proposal to all Protestants prior to submittal for final approval to the Office of Current Planning.

5) The Petitioner shall not tear down the existing woods in the rear of the property.

6) The Petitioner shall not use the proposed structure for the operation of any business or commercial venture of any nature, including, but not limited to, the sale of antique cars or the storage of any business supplies, equipment, etc.

7) The proposed structure shall either be a one story building with basement or a two story structure with no basement.

8) The accessory building shall be constructed with brick and/or siding that matches the existing dwelling on the property.

9) The proposed structure shall be used for private residential purposes by the Petitioners and their family only.

10) The Petitioner shall file a deed incorporating the terms of this Order and/or any other appropriate documentation in the Land Records of Baltimore County within forty-five (45) days of the date of this Order and provide proof of completion of same within fifty (50) days of the date of this Order.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Hines
Zoning Commissioner

June 8, 1988

Mr. & Mrs. Tom J. Lynch, Sr.
828 Providence Road
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
S/S Tree Farm Court, 1226' NW of Deer Bit Lane
11th Election District; 6th Councilmanic District
Case No. 88-373-A

Dear Mr. & Mrs. Lynch:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been granted subject to the restrictions noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3331.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

Enclosure
cc: Mr. & Mrs. George W. Rupprecht
21 Tree Farm Court, Glen Arm, Md. 21057

Ms. Kathy Power
16 Tree Farm Court, Glen Arm, Md. 21057

Ms. Arlese Ohara
19 Tree Farm Court, Glen Arm, Md. 21057

Ms. Carolyn Tunney
24 Tree Farm Court, Glen Arm, Md. 21057

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24 Tree Farm Court, Glen Arm, Md. 21057

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24 Tree Farm Court, Glen Arm, Md. 21057



Dennis F. Rasmussen
County Executive

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
S/S Tree Farm Ct., 1226' NW :
Deer Bit Ln. (17 Tree Farm Ct.) : OF BALTIMORE COUNTY
11th District :
TOM J. LYNCH, SR., et ux, : Case No. 88-373-A
Petitioners :
: : : : :
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

RECEIVED ZONING OFFICE
DATE: 6/19/88

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 19th day of April, 1988, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Tom J. Lynch, Sr., 828 Providence Rd., Towson, MD 21204; and Mr. Nicholas B. Commodari, 3607 Bonview Ave., Baltimore, MD 21213, who requested notification.

Peter Max Zimmerman
Peter Max Zimmerman

Located on the south side of Tree Farm Court approximately 1266 ft. northwest of the centerline of Deer Bit Lane and known as Lot No. 11 as shown on plat of Lakeside, which is recorded in land records of Baltimore County in Liber 38 folio 57 also known as No. 17 Tree Farm Court.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 2/10/88

Posted for: Variance

Petitioner: Thomas J. Lynch, Sr. et ux

Location of property: 36 Tree Farm Ct. 1266' NW Deer Bit Lane
17 Tree Farm Ct.

Location of Sign: See Sign on NW corner of Tree Farm Ct. & 36 Tree Farm Ct.

Remarks: Property sign 185' 3/4" from property of Petitioner

Posted by: [Signature] Date of return: 2/24/88

Number of Signs: 1

"DUPLICATE"
CERTIFICATE OF PUBLICATION

TOWSON, MD. Feb. 18, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Feb. 18, 1988

THE JEFFERSONIAN,
[Signature]
Publisher

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Case number: 88-373-A
Petition for Zoning Variance
36 Tree Farm Court, 1266' NW Deer Bit Lane
17 Tree Farm Court
11th Election District
Petitioners: Thomas J. Lynch, Sr. et ux
Hearing Scheduled: Friday, March 11, 1988 at 11:00 a.m.
Variance to permit a height of 23' in lieu of the allowed 15' for an accessory structure.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in the office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner
of Baltimore County
2194 Feb. 18

NOTICE OF HEARING
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J. ROBERT HAINES
Zoning Commissioner
of Baltimore County
704-Towson 18

Office of PATUXENT Publishing Company
10750 Little Patuxent Parkway, Columbia, MD 21044

February 22, 1988

THIS IS TO CERTIFY, that the annexed advertisement of Notice Of Hearing was inserted in the following:

☐ Catonsville Times ☐ Booster Weekly
☐ Arbutus Times ☐ Owings Mills Flier
☐ Reporter Weekly ☐ Towson Flier \$21.09

weekly newspapers published in Baltimore County, Maryland once a week for one successive weeks before the 20th day of February 1988 that is to say, the same was inserted in the issues of

February 18, 1988

PATUXENT PUBLISHING COMPANY
By [Signature]

88-373-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 7th day of January, 1988.

[Signature]
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner Tom J. Lynch, Sr., et ux Received by: James E. Dyer
Petitioner's Attorney [Signature] Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 45775

DATE 12/10/87 ACCOUNT 01-615

AMOUNT \$ 35.00

RECEIVED FROM Robert T. Hoffman Associates

FOR Feeling Fee For Variance Item 222

B 8865*****350014 2102F

[Signature]
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 50270

DATE 3/11/88 ACCOUNT R-01-615-000

Chk # 2845 Amount \$ 83.27
[Signature] (Robert T. Hoffman Associates)

RECEIVED FROM Robert T. Hoffman Associates

FOR Petition Fee 3/11/88 hearing

B 8865*****832714 5111F

[Signature]
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

DATE: MAR 07 1988

Mr. & Mrs. Tom J. Lynch, Sr.
828 Providence Road
Towson, Maryland 21204

Re: Petition for Zoning Variance
Case number: 88-373-A
S/S Tree Farm Court, 1266' NW Deer Bit Lane
(17 Tree Farm Court)
11th Election District - 6th Councilmanic District
Petitioners: Thomas J. Lynch, Sr., et ux
HEARING SCHEDULED: FRIDAY, MARCH 11, 1988 at 11:00 a.m.

Dear Mr. & Mrs. Lynch:

Please be advised that \$83.27 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign(s) from the property from the time it posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

Very truly yours,
[Signature]
J. ROBERT HAINES
Zoning Commissioner of Baltimore County

cc: File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

DATE: JAN 19 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
Case number: 88-373-A
S/S Tree Farm Court, 1266' NW Deer Bit Lane
(17 Tree Farm Court)
11th Election District - 6th Councilmanic District
Petitioners: Thomas J. Lynch, Sr., et ux
HEARING SCHEDULED: FRIDAY, MARCH 11, 1988 at 11:00 a.m.

Variance to permit a height of 23' in lieu of the allowed 15' for an accessory structure.

(FOR SHOW DATE, CALL 494-3391)

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

[Signature]
J. ROBERT HAINES
Zoning Commissioner of Baltimore County

cc: Mr. & Mrs. Lynch
Nicholas B. Commodari
File

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 25, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. Tom J. Lynch, Sr.
828 Providence Road
Towson, Maryland 21204

RE: Item No. 222 - Case No. 88-373-A
Petitioner: Tom J. Lynch, Sr., et ux
Petition for Zoning Variance

Dear Mr. Lynch:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
[Signature]
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb
Enclosures

cc: Nicholas B. Commodari
3607 Bonview Avenue
Baltimore, Maryland 21213

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building, Suite 408
Towson, Maryland 21204
494-3354

January 7, 1988

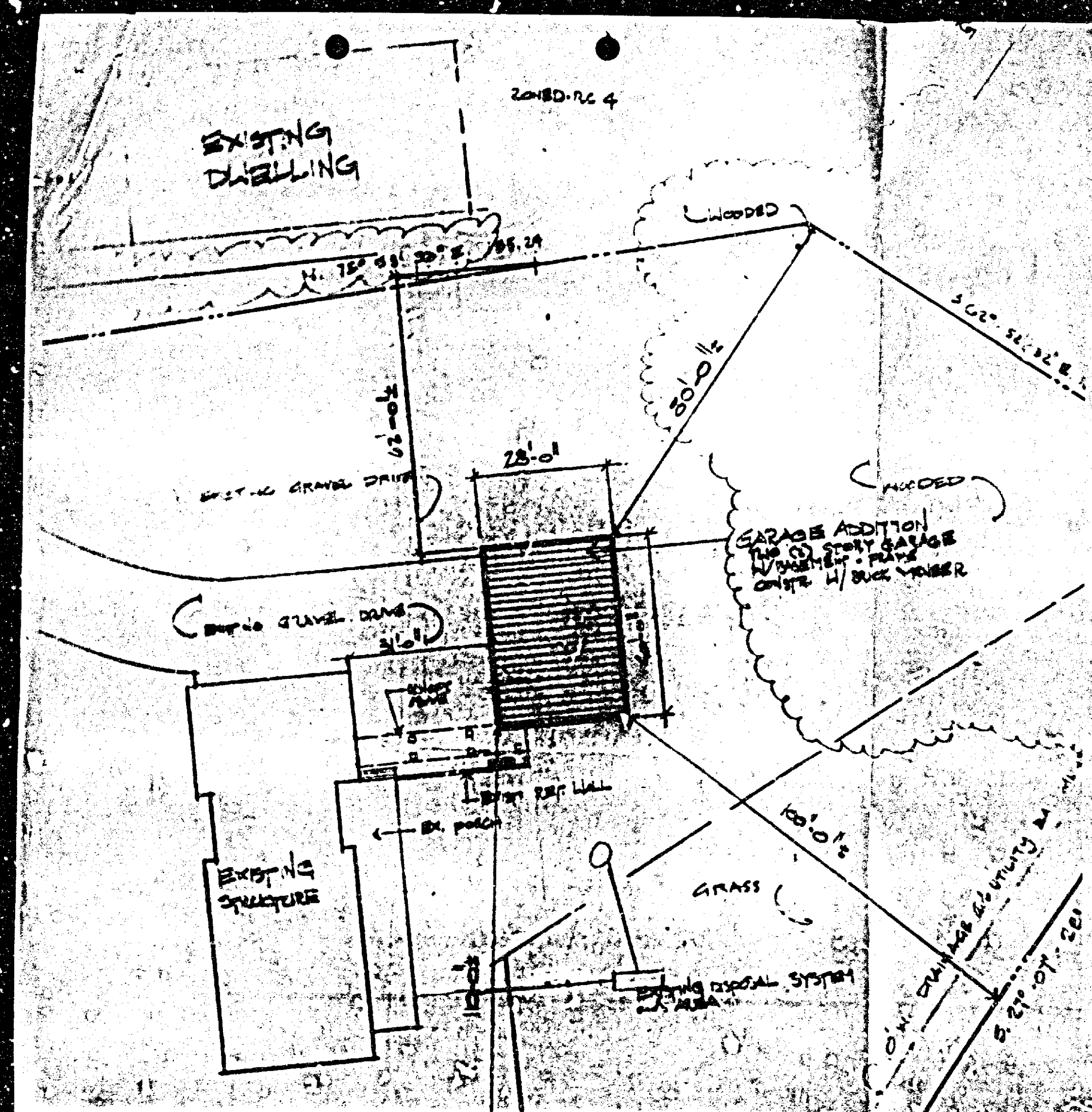
Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

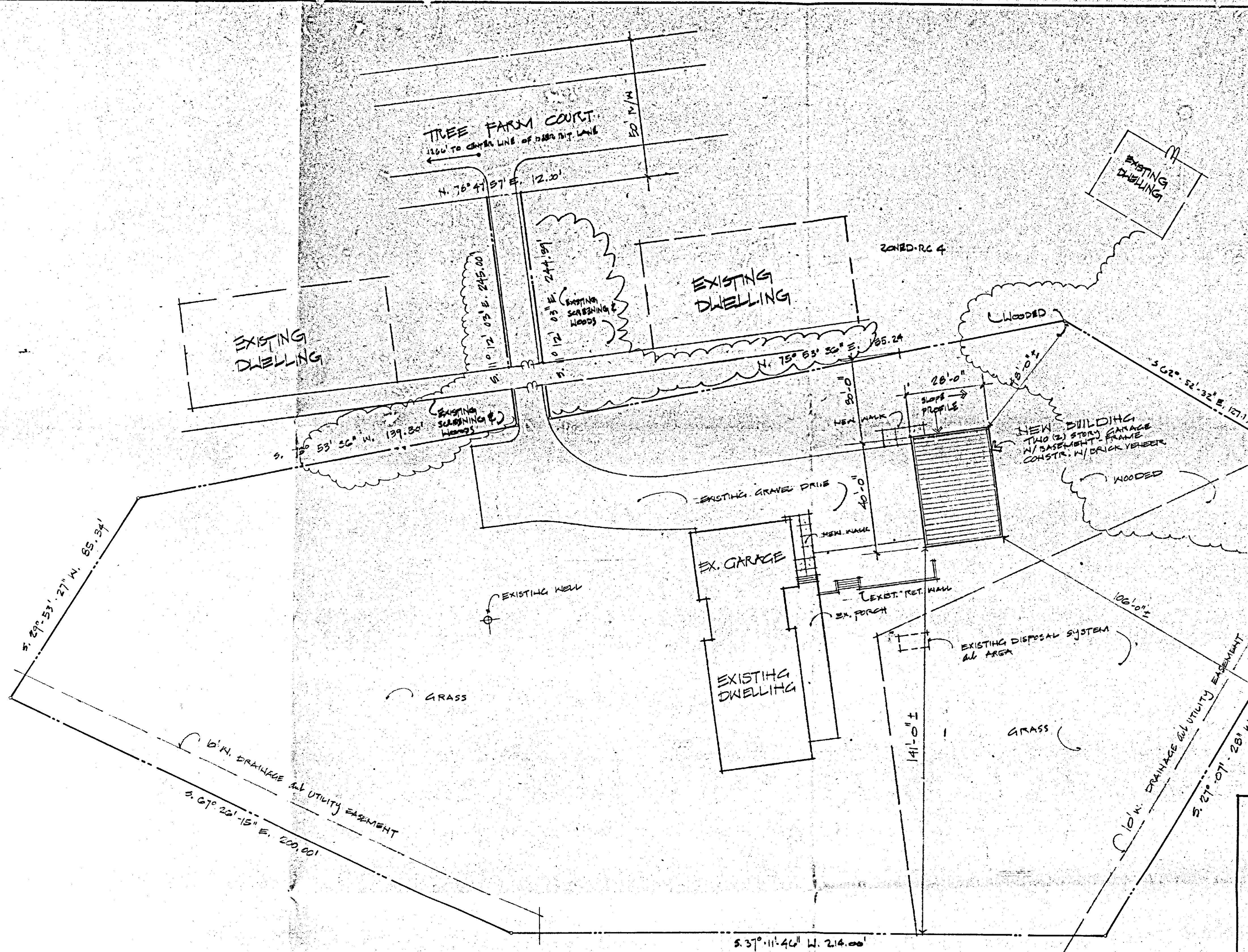
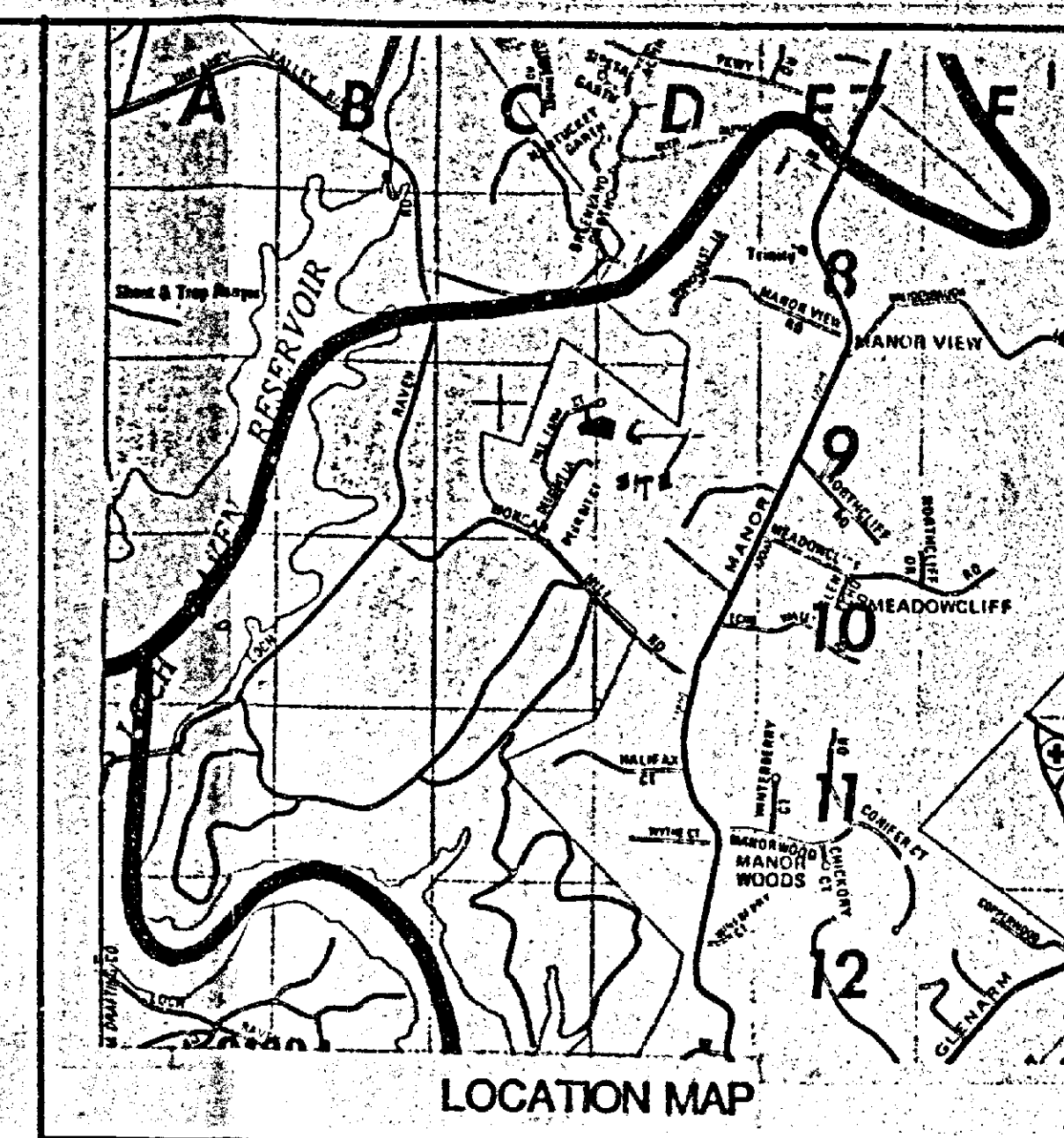
The Bureau of Traffic Engineering has no comment for items number 217, 218, 219, 220, 221, (222), and 223.

Very truly yours,
[Signature]
Michael S. Flanigan
Traffic Engineer Associate II

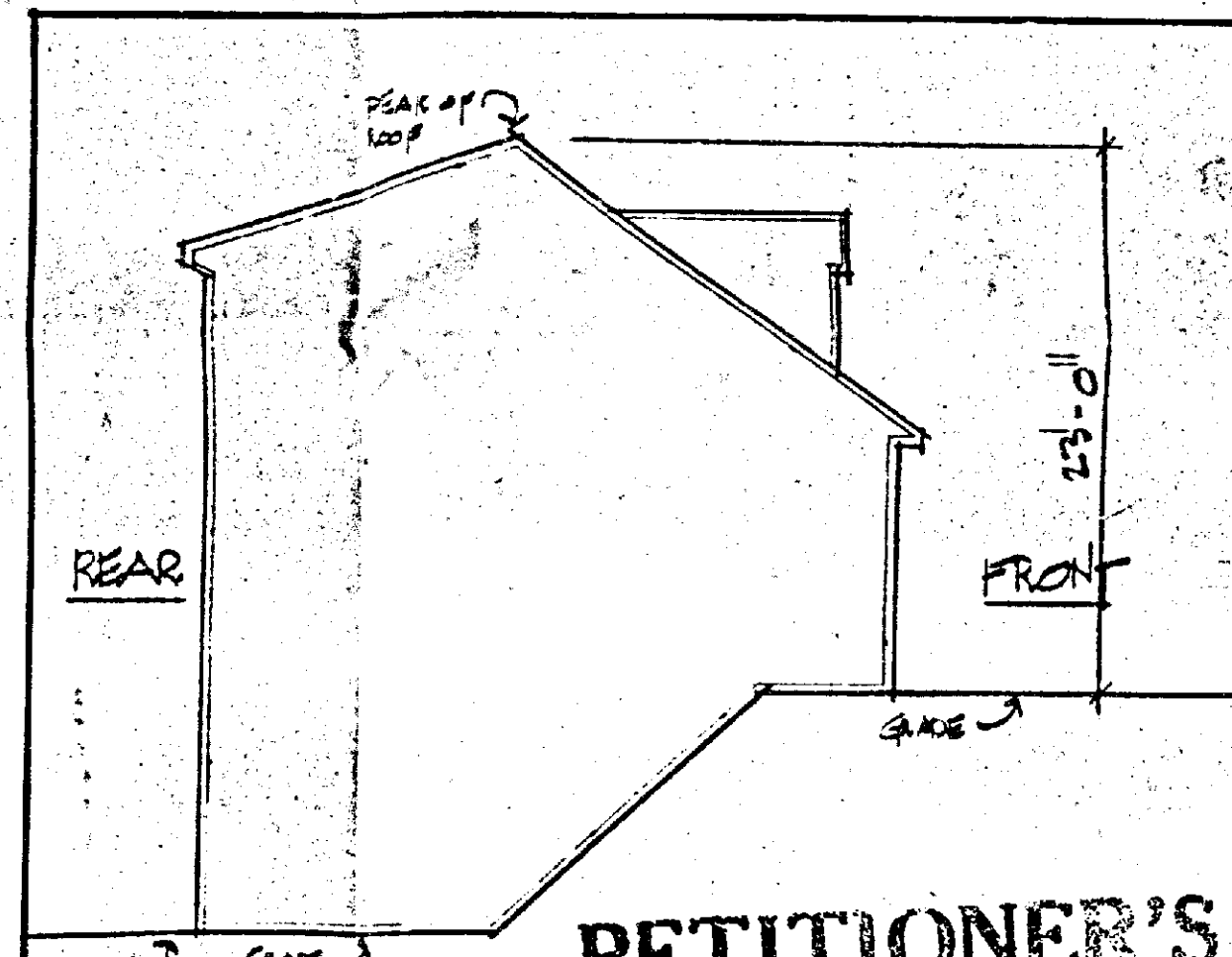
MSF:sb



revisions		
no.	date	description
1	3-10-27	REVISION FOR ZONING INCL. 11



site plan SCALE 1" = 20'-0"



PROFILE PETITIONER'S EXHIBIT 1

PLAT TO ACCOMPANY VARIANCE PETITION
OWNER - TOM & BARBARA LYNCH
17 TREE FARM COURT
ZONING - RC4
ELECTION DISTRICT - 11

robert t. hofmann and associates, inc.

6501 YORK ROAD
BALTIMORE, MARYLAND 21212
(301) 377-9100
architects

proposed garage
TOM & BARBARA LYNCH
BALTO. COUNTY, MD.

222

SITE PLAN

scale 1" = 20'-0"
comm. no. EG-31
date 5-1-27

A-1